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Organization of work, adoption of the agenda and allocation of items: reports of the General Committee

Prevention of armed conflict

Identical letters dated 3 October 2006 from the Permanent Representatives of Burkina Faso, El Salvador, the Gambia, Honduras, Malawi, the Marshall Islands, Nauru, Nicaragua, Palau, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sao Tome and Principe, Solomon Islands, Swaziland and Tuvalu to the United Nations addressed to the Secretary-General and the President of the General Assembly

We respectfully demand a legal opinion be sought and given over serious violations of the rules of procedure of the General Assembly.

On 12 September 2006, the matter came before the General Committee with regard to two proposals that were co-sponsored by the undersigned. These proposals were listed under item 41, "A proactive role for the United Nations in maintaining peace and security in East Asia", and item 155, "Question of the representation and participation of the 23 million people of Taiwan in the United Nations" of the draft agenda (see A/BUR/61/1). Contrary to rules 40, 41 and 43 of the rules of procedure, the General Committee chose to amalgamate these quite distinct proposals into one item and to arbitrarily limit the number of speakers — a clear violation of the rules of procedure.[1]

In our view, this decision is unfair, irregular and inappropriate because it is contrary to the provisions and principles of the Charter of the United Nations.

[1] Rule 40 states that the General Committee "shall make recommendations to the General Assembly, with regard to each item proposed ...". Rule 41 states that the General Committee "shall not, however, decide any political question." The amalgamation of these two proposals prevented their consideration on their own independent merits, in violation of rule 40.

Rule 43 states: "A member of the General Assembly which has no representative on the General Committee and which has requested the inclusion of an item in the agenda shall be entitled to attend any meeting of the General Committee at which its request is discussed and may participate, without vote, in the discussion of that item."

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The amalgamation constituted a political judgement, without transparency, of two entirely distinct issues. The question of the representation of Taiwan entails an analysis of a body of law and precedent which is entirely distinct from the question raised by the proposal for a proactive role for the United Nations in maintaining peace and security in East Asia. The proposals call for distinct remedies and actions by the United Nations. There is simply nothing about them to justify their amalgamation. The sovereign countries which proposed these two proposals insist upon their separate consideration.

We were ready, willing and able to engage in a full and fair debate before the General Committee on the inclusion of both of these important items. Rule 43 of the rules of procedure certainly gives us the right to do so. Clearly, we are members requesting inclusion of an item and were prevented from participating in the discussion of the item.

In any event, this decision has no precedent in the history of the United Nations. Our suspicion is that it was undertaken simply because it involves the matter of Taiwan and China. That is not a good excuse to create such a bad precedent.

We most strongly protest these political manoeuvres and we observe that for the world's only universal deliberative body to inappropriately apply its own procedures is a violation of some of the most strongly held ideals of our Organization.

The Member States who co-sponsored the proposals have the same rights as any other Member State to present both procedural and substantive matters to the United Nations, including this one. Silenced by these unlawful tactics at the General Committee, we wish to make it clear that we will not be silenced forever. We require a legal opinion to confirm the views set out above and we require it on an expedited basis, so that we may engage in the debate to which we are entitled, either in a reconvened debate of the General Committee, or during the sixty-first General Assembly.

Once you have passed this matter to the legal office, may we kindly request a meeting with the Legal Counsel to discuss it in depth.

It would be highly appreciated if this letter could be circulated as a document of the sixty-first session of the General Assembly.

(*Signed*) Michel **Kafando**
Permanent Representative
Permanent Mission of Burkina Faso to the United Nations

(*Signed*) Carmen Maria **Gallardo Hernández**
Permanent Representative
Permanent Mission of El Salvador to the United Nations

(*Signed*) Crispin **Grey-Johnson**
Permanent Representative
Permanent Mission of the Gambia to the United Nations

(*Signed*) Ivan **Romero-Martinez**
Permanent Representative
Permanent Mission of Honduras to the United Nations

(*Signed*) Brown Beswick **Chimphamba**
Permanent Representative
Permanent Mission of the Republic of Malawi to the United Nations

(*Signed*) Alfred **Capelle**
Permanent Representative
Permanent Mission of the Republic
of the Marshall Islands to the United Nations

(*Signed*) Marlene **Moses**
Permanent Representative
Permanent Mission of the Republic of Nauru to the United Nations

(*Signed*) Eduardo J. **Sevilla Somoza**
Permanent Representative
Permanent Mission of Nicaragua to the United Nations

(*Signed*) Stuart **Beck**
Permanent Representative
Permanent Mission of the Republic of Palau to the United Nations

(*Signed*) Joseph **Christmas**
Permanent Representative
Permanent Mission of Saint Kitts and Nevis to the United Nations

(*Signed*) Margaret Hughes **Ferrari**
Permanent Representative
Permanent Mission of Saint Vincent
and the Grenadines to the United Nations

(*Signed*) Domingos Augusto **Ferreira**
Chargé d'affaires a.i.
Permanent Mission of Sao Tome and Principe to the United Nations

(*Signed*) Collin D. **Beck**
Permanent Representative
Permanent Mission of Solomon Islands to the United Nations

(*Signed*) Petunia Lindiwe **Mndebele**
Chargé d'affaires a.i.
Permanent Mission of the Kingdom of Swaziland to the United Nations

(*Signed*) Enele Sosene **Sopoaga**
Permanent Representative
Permanent Mission of Tuvalu to the United Nations

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